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## **1000 Introduction**

In response to the EXXON VALDEZ oil spill in Alaska, the United States government quickly enacted legislation to specifically address many of the deficiencies identified in the response system at that time. These included a lack of a unified effort between local, state and federal stakeholders, no common defined response structure; either federal, state or local, poor information management to the press, public and other affected parties, and minimal information exchange between all parties. The development of the Area Contingency Plan (ACP) through the Area Committee is essential in addressing and rectifying these issues.

The ACP is a plan prepared by the Area Committee (AC) that is developed to be implemented in conjunction with the National Contingency Plan (NCP) and the Regional Contingency Plan (RCP), to address removal of oil and hazardous substances. The boundary of the area this plan covers includes those areas within the jurisdiction of the U.S. Coast Guard Marine Safety Office Wilmington. The area contingency planning process is based on the premise that proper planning is essential to a safe and effective response. In keeping with the Coast Guard Commandant's motto, "Preparation Equals Performance", the Area Committee seeks to enhance the response community's ability to successfully mitigate substantial threats or actual incidents through an effective and coordinated planning process. The purpose of the plan is to define roles, responsibilities, resources and procedures necessary respond to a myriad of spill response evolutions. It is important to note that the ACP is a plan for use in responding to an incident. Information found in the plan relating to such items as response resources should not be viewed as performance standards. These are planning criteria based on a set of assumptions that may not exist during an actual incident

The ACP is formatted within an ICS framework and utilizes the Incident Command System. As an overview Section 1000 provides the authority and theoretical framework for the current response system in the United States. Section [2000 Command](#) discusses the Unified Command concept while detailing the staff responsibilities of the Unified Command members including the Information, Safety and Liaison positions. Section [3000 Operations](#) describes the structure and role of the Operations section including geographic response plans, which divide the entire COTP zone into manageable areas. The links to the maps provide all of the information necessary to identify sensitive areas and plan response operations. Section [4000 Planning](#) provides the Planning Section structure and roles while detailing required correspondence, and permit and consultation procedures. Section [5000 Logistics](#) addresses the Logistics Section while Section [6000 Finance](#) details the Finance and Administration Section. Section 7000 Hazardous Materials is reserved for further development and Section [8000 Marine Fire Fighting](#) will incorporate additional elements for a Marine Fire Fighting Plan. The final section, Section [9000 Appendices](#), contains the appendices for the plan. They include notification procedures, personnel and resource directories, a draft IAP and other relevant documentation. All USCG ACPs will be in this basic format to allow for consistency across the nation while still accounting for geographic differences. This format also allows for easier manipulation in a computer medium. This plan will be digitized and available for downloading from the USCG MSO Wilmington's web site.

## **1100 Authority**

### **1110 Captain of the Port**

Executive Order 12777 of 22 October 1991 designated the following responsibilities for the Commandant of the U.S. Coast Guard (through the Secretary of Transportation) for the coastal zone, and to the Administrator of the Environmental Protection Agency for the inland zone. The term “coastal zone” is defined in the current NCP (40 CFR 300.5) to mean all United States waters subject to the tide, United States waters of the Great Lakes, specified ports and harbors on inland rivers, and the waters of the Exclusive Economic Zone (EEZ). The Coast Guard has designated as areas, those portions of the Captain of the Port (COTP) zones, which are within the coastal zone, for which Area Committees will prepare Area Contingency Plans. The COTP zones are described in Coast Guard regulations (33 CFR Part 3).

### **1120 Response System Authority**

Section 4202 of the Oil Pollution Act of 1990 (OPA 90) amended Subsection (j) of Section 311 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1321 (j)) to address the development of a National Planning and Response System. As part of this system, Area Committees were established for each area designated by the President. These Area Committees are comprised of qualified personnel from federal, state, and local agencies. Each Area Committee, under the direction of the Federal On-Scene Coordinator (FOSC) for the area, is responsible for developing an Area Contingency Plan (ACP). This development process includes appointing Area Committee members, determining information to be included in Area Contingency Plans, and reviewing and approving Area Contingency Plans. The ACP, when implemented in conjunction with the National Contingency Plan (NCP), shall be adequate to remove a worst-case discharge of oil or a hazardous substance. In addition, it shall also mitigate or prevent a substantial threat of such a discharge, from a vessel, offshore facility, or onshore facility operating in or near the geographic area. Each Area Committee is responsible for working with state and local officials to pre-plan for joint response efforts, including appropriate procedures for mechanical recovery, dispersal, shoreline cleanup, protection of sensitive environmental areas, and protection, rescue, and rehabilitation of fisheries and wildlife. The Area Committee is also required to work with state and local officials to expedite decisions for the use of dispersants and other mitigating substances and devices.

### **1130 Investigative Authority**

Several federal, state, and local agencies have a direct role in the enforcement of applicable laws and regulations associated with a discharge, or substantial threat of a discharge, of oil into the navigable waters of the U.S. The investigation into alleged violations of the many applicable laws and regulations require a coordinated effort among the several agencies. These agencies include the U.S. Coast Guard, U.S. Minerals Management Service, U.S. EPA and North Carolina Department of Environment and Natural Resources.

### **1130.1 The United States Coast Guard**

The U.S. Coast Guard has enforcement and investigative authority for a significant array of potential violations of federal laws and regulations, as well as enforcement actions under applicable international treaties. Federal laws and regulations associated with a discharge or a substantial threat of a discharge of oil include: applicable components of the Federal Water Pollution Control Act, as amended; The Oil Pollution Act of 1990; The Ports and Waterways Safety Act; The Port and Tanker Safety Act; and, Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78). In addition, authorities in 46 USC 7701 and 46 USC 6101 relate to personnel actions (licensed mariners), and marine casualties, respectively. The federal regulations associated with potential investigative or enforcement interest under these circumstances include, though are not limited to, applicable sections of 46 CFR with particular attention to Parts 4, 5, 16; 33 CFR Parts 126, 130, 151, 153-160; and 40 CFR Parts 116, and 117. Potential federal enforcement actions associated with a pollution discharge may include, but are not limited to: the collection of statements and evidence to determine the causes of the associated marine casualty, an administrative order under OPA 90 and CERCLA, mandatory chemical testing of involved licensed personnel; and the collection of oil samples in the water and on suspect vessels.

### **1130.2 U.S. Department of the Interior, Minerals Management Service (MMS)**

The MMS's regulatory authority for accident investigation of offshore oil and gas facilities and related operations is based on the provisions in 30 CFR Part 250.19, Accident Reports (see also the OCS Lands Act Amendments, September 18, 1979, 43 USC 1801, Title II, Sec 208, Sec 22 (d) (1)). The MMS Manual states that the agency's principal objectives in conducting accident investigations are: "...to ensure consistent data collection and investigation of accidents in order to gather the information necessary to determine the cause(s) and to make appropriate recommendations for any corrective action needed. The primary goals are to prevent the recurrence of accidents, to enhance the safety of operations, and to protect the environment." (MMS Manual, Program Series, Part 640, Rules and Operations, Chapter 3, Accident Data Collection and Investigation, August 3, 1992). The MMS Manual further states in Chapter 3.3.(A.) that "unless otherwise specifically ordered by the Director, all investigations...shall be fact-finding proceedings with no criminal issues and no adverse parties. The purpose of the investigation is to prepare a public report." A 1989 Memorandum of Understanding (MOU), between the MMS and USCG provides guidelines for convening accident panels and coordinating accident investigations between the two agencies. The MOU was updated in 1998.

### **1130.3 North Carolina Division of Emergency Management**

The Division of Emergency Management is one of nine agencies within the North Carolina Department of Crime Control and Public Safety. The division, created by the Emergency Management Act of 1977, is responsible for protecting the people of North Carolina from the effects of disasters, natural and manmade. It was reorganized in 1997 into functional units, using the "Incident Command system (ICS)", the national model for managing emergency operations. The work of the North Carolina Division of Emergency Management includes a four-phase approach: preparedness; response; recovery and mitigation. The Division of Emergency Management is the pre-designated State On-Scene Coordinator (SOSC).

### **1130.4 North Carolina Department of Environment & Natural Resources (DENR)**

The N.C. Department of Environment and Natural Resources (DENR) is the lead stewardship agency for the preservation and protection of North Carolina's outstanding natural resources. The organization, which has offices from the mountains to the coast, administers regulatory programs designed to protect air quality, water quality, and the public's health. DENR also offers technical assistance to businesses, farmers, local governments, and the public and encourages responsible behavior with respect to the environment through education programs provided at DENR facilities and through the state's school system. Through its natural resource divisions, DENR works to protect fish, wildlife and wilderness areas. The agency's activities range from helping to make sure drinking water is safe to managing state parks and forests for safe and enjoyable outdoor recreation experiences

### **1130.5 Local Enforcement Authorities**

Local agencies rely on the authority of the federal and state agencies to investigate, respond and penalize for incidents within their respective regulatory jurisdiction. These agencies are detailed in Appendices [9110 Emergency Services](#) and [9230 Personnel Services](#).

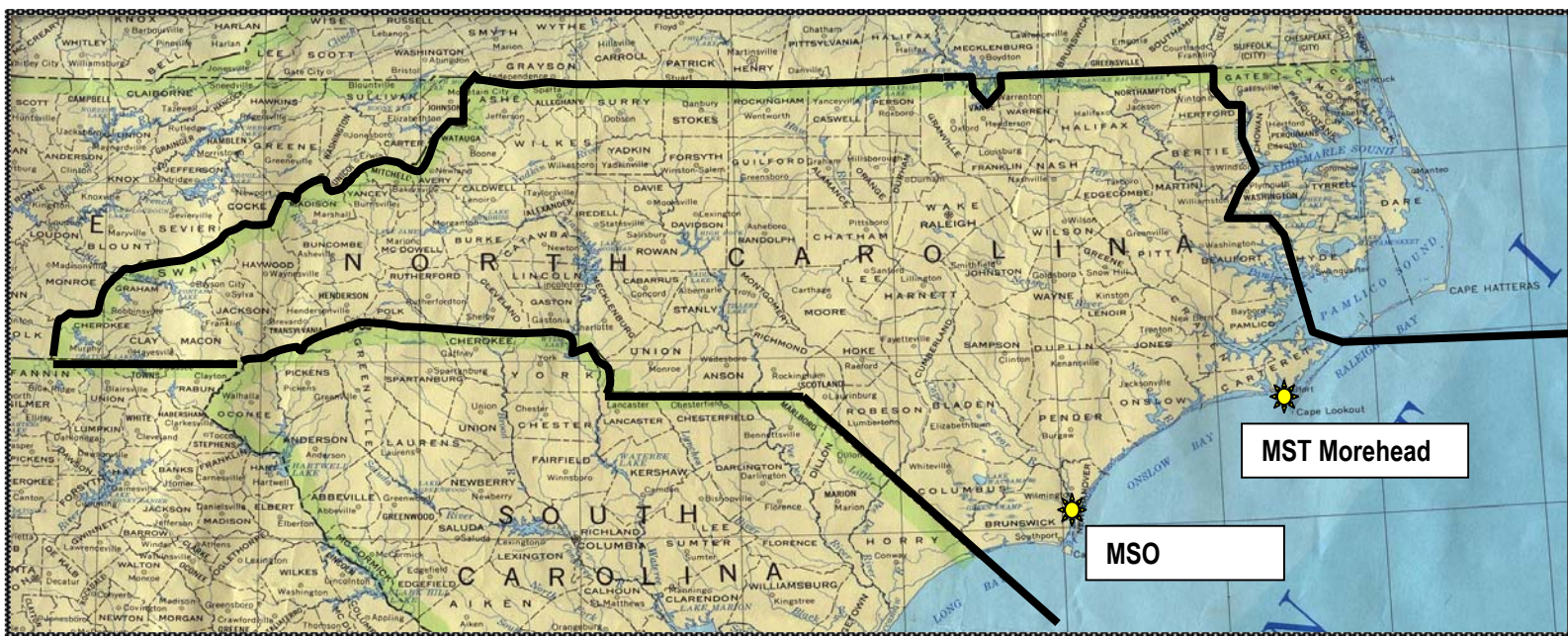
## **1200 Geographic Boundaries**

### **1210 Area of Responsibility**

The USCG and EPA have designated boundaries between coastal and inland zones for the purpose of providing On-Scene Coordinators (OSC) for response operations. The Coast Guard furnishes the OSC for the coastal zone and the EPA for the inland zone. Marine Safety Office Wilmington's Captain of the Port (COTP) Zone is specified in 33 CFR 3.25 and [Map 1](#). The Coastal Zone Area of Responsibility for pollution response and planning is as follows: Coastal areas from the sea at 34-59.8N, 76-07.8W northwesterly to a point 35-01.5W, 76-10W; hence westerly to a point 35-01.5N, 76-20W; hence northeasterly to a point 35-37N, 76-00.5; hence westerly to a point 35-37N, 76-14W; hence south along State Highway 94 to its intersection with the ICW; hence west along the north bank of the ICW to its intersection with US Route 264; hence west along US Route 264 to US Route 17 at Washington; hence south along US Route 17 to State Highway 33 at Chocowinity; hence south along State Highway 33 to State Highway 304; hence south along State Highway 304 to State Highway 55 at Bayboro; hence west along State Highway 55 to US Route 17 at Bridgeton; hence south along US Route 17 to US Route 70 at James City; hence south along US Route 70 to State Highway 24; hence west along State Highway 24 to US Route 17 at Jacksonville; hence south along US Route 17 to State Highway 132; hence south along State Highway 132 to US Route 421; hence north along US Route 421 to Shipyard Boulevard; hence east along Shipyard Boulevard to 17th Street; hence north along 17th Street to Market Street; hence east along Market Street to 23rd Street; hence north along 23rd Street to State Highway 133; hence north along State Highway 133 to the Pender-New Hanover County line; hence west along the Pender-New Hanover County Line to the west bank of the main branch Cape Fear River (all waterfront facilities along this boundary on the north side of the Northeast Cape Fear River are included in the coastal region); hence south along the west bank Cape Fear River to the west bank of the Brunswick River; hence south along the west bank Brunswick River to US Route 17; hence south along US Route 17 to the NC-SC Border. A map of the zone is found on page A-16, and in the Region IV Regional Contingency Plan. Refer to Map 1 for a pictorial representation of the Area of Responsibility.

These boundaries recognize the Coast Guard's primary responsibility over discharges and releases in navigable waters from vessels and waterfront facilities as defined in 33 CFR 3 and EPA's primary responsibility for discharges and releases that occur on land. For discharges that impact both zones simultaneously, as a general rule, the location of the source of the discharge will be the determining factor of which agency provides the OSC. When the discharge or release occurs and remains within one agency's zone, that agency will provide the OSC. When a spill occurs in one zone and flows, or threatens to flow, into another either: (1) the EPA will provide the OSC and the CG will assist the EPA with waterside clean-up operations or (2) by mutual agreement, the CG would provide the OSC and resources. Communication and coordination between EPA and CG OSC's are vital to an effective federal response.





**Map 1 – Captain of the Port Wilmington Zone**

**\*Note:** For planning and response purposes, Wilmington's COTP AOR is divided into two areas, the [MSO Response Zone on Map 3](#) and the Marine Safety Team (MST) Response Zone on Map 2 – Geographic Boundaries – [Marine Safety Team Morehead AOR](#). Both Areas are described below.

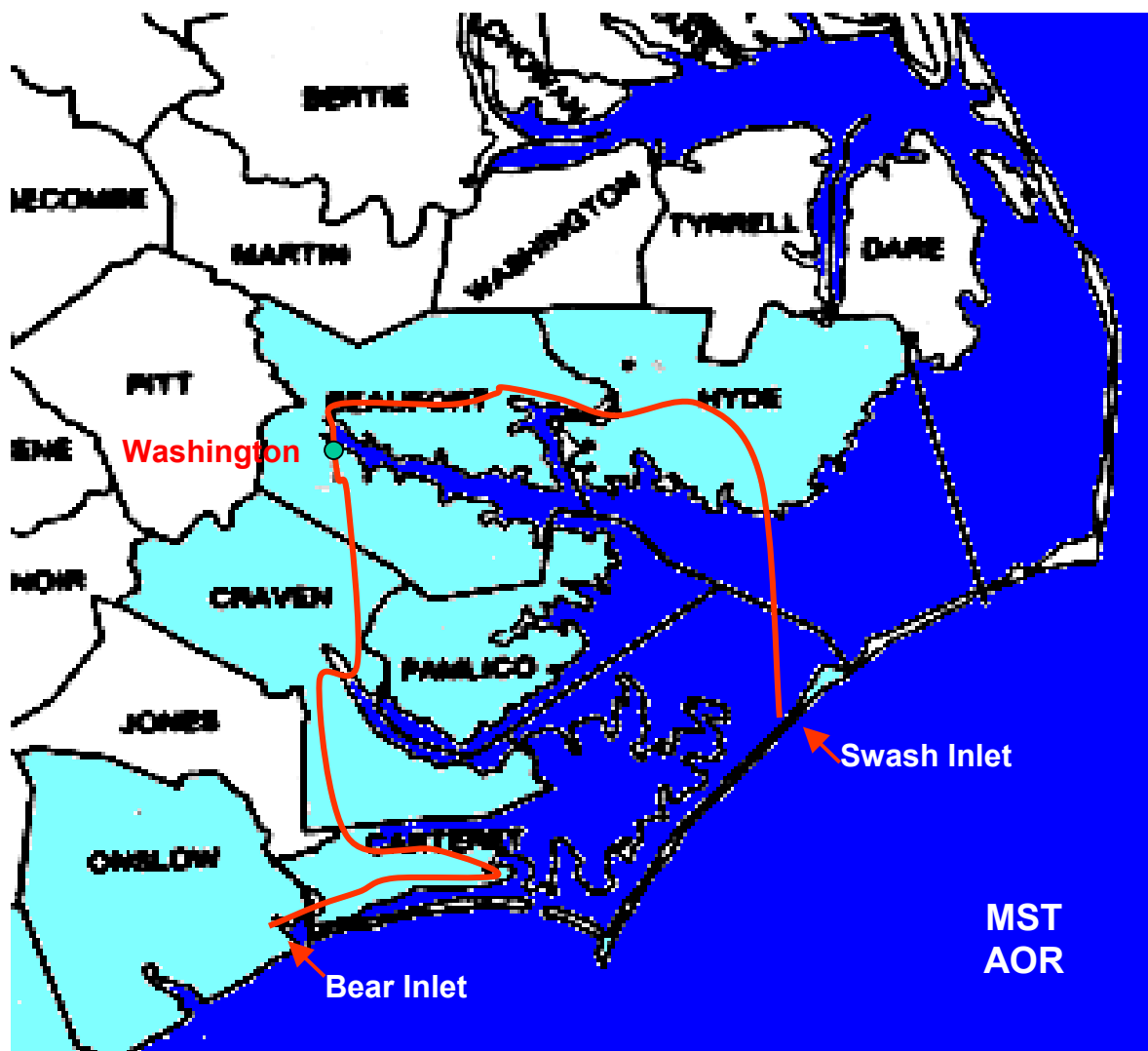


#### **1210.1 Marine Safety Office Response Zone**

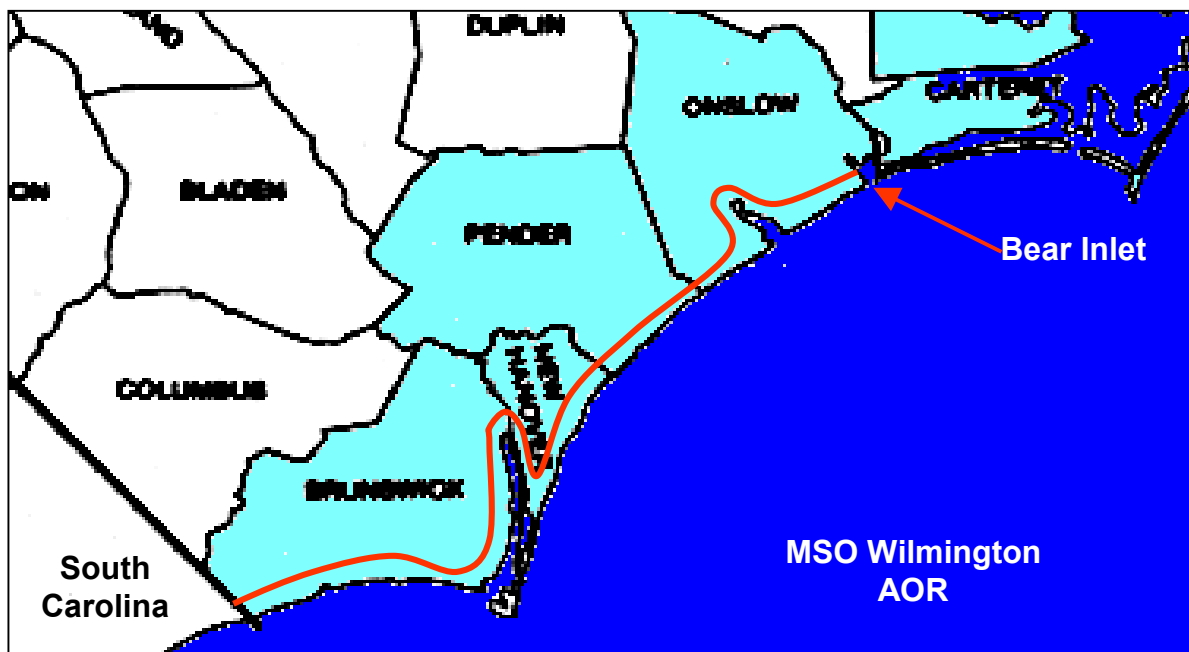
The COTP Wilmington, NC MSO Zone is comprised of the area from **Bear Inlet**, south along US Route 17 to State Highway 132; hence south along State Highway 132 to US Route 421; hence north along US Route 421 to Shipyard Boulevard; hence east along Shipyard Boulevard to 17th Street; hence north along 17th Street to Market Street; hence east along Market Street to 23rd Street; hence north along 23rd Street to State Highway 133; hence north along State Highway 133 to the Pender-New Hanover County line; hence west along the Pender-New Hanover County Line to the west bank of the main branch Cape Fear River (all waterfront facilities along this boundary on the north side of the Northeast Cape Fear River are included in the coastal region); hence south along the west bank Cape Fear River to the west bank of the Brunswick River; hence south along the west bank Brunswick River to US Route 17; hence south along US Route 17 **to the NC-SC Border** to the offshore extent of the EEZ.

#### **1210.2 Marine Safety Team Morehead Response Zone**

The Marine Safety Team's AOR within the MSO Wilmington zone is comprised of the area starting from the sea at 34-59.8N, 076-07.8W northwesterly to a point 35-01.5N, 076-10W; hence westerly to a point 35-01.5N, 076-20W; hence northeasterly to a point 35-37.0N, 076-00.0W; hence westerly to a point 35-37.0N, 076-14.0W; hence south along State Highway 94 to its intersection with the ICW (**Fairfield Swing Bridge**); hence west along the north bank of the ICW to its intersection with US Route 264; hence west along US Route 264 to US Route 17 at Washington; hence south along US Route 17 to State Highway 33 at Chocowinity; hence south along State Highway 33 to State Highway 304; hence southwest along State Highway 304 to State Highway 55 at Bayboro; hence west along State Highway 55 to US Route 17 at Bridgeton; hence south along US Route 17 to US Route 70 at James City; hence south along US Route 70 to State Highway 24; hence west along State Highway 24 to State Highway 172 at Hubert; hence southeast along the eastern boundary of Marine Corps Base Camp LeJuene to the western side of **Bear Inlet**.



Map 2 – Geographic Boundaries – Marine Safety Team Morehead's AOR



Map 3 – Geographic Boundaries – MSO Wilmington's AOR

## **1300 Area Committee**

### **1310 Purpose**

The primary role of the Area Committee is to act as a preparedness and planning body. Area Committees are composed of experienced environmental/response representatives from federal, state and local government agencies with definitive responsibilities for the area's environmental integrity. Each member is empowered by their own agency to make decisions on behalf of the agency and to commit the agency to carrying out roles and responsibilities as described in this plan.

### **1320 Organization**

The pre-designated FOSC for the area will serve as chairman of the Committee. The FOSC will designate the vice-chairman, select the Committee members, and provide general direction and guidance for the Committee. The FOSC should solicit the advice of the RRT to determine appropriate representatives from federal and state agencies. The Area Committee is encouraged to solicit advice, guidance, or expertise from all appropriate sources and establish subcommittees as necessary to accomplish the preparedness and planning tasks. For detailed information see Appendix [9400 Area Planning Documentation](#).

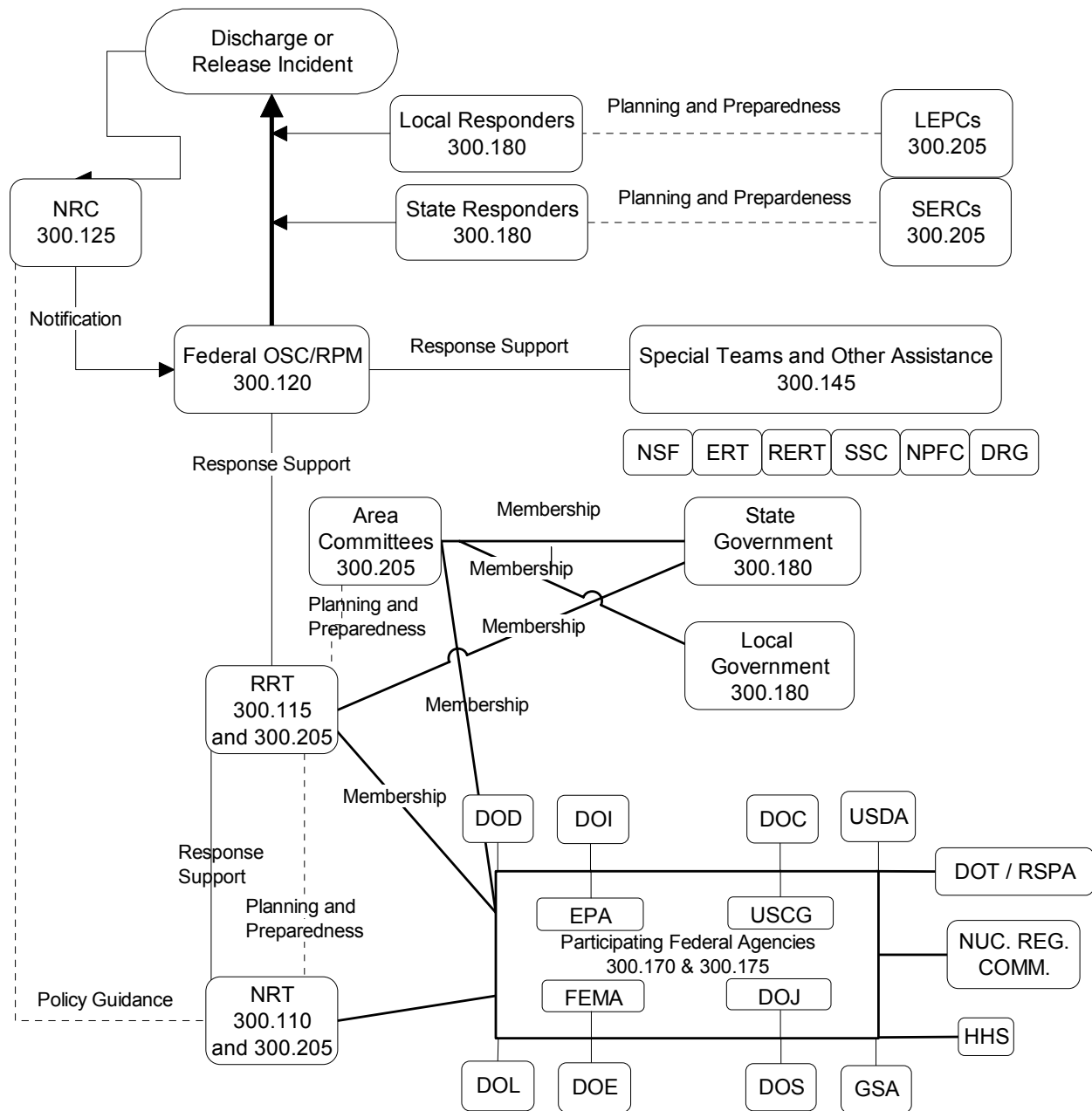
### **1330 Revision & Update Requirements**

Area Contingency Plans shall be reviewed annually with major revisions occurring every 3 years. Plans shall be reviewed periodically within the calendar year with the following areas examined and updated: emergency notification lists, response equipment information (type and amount of available equipment), sensitive areas, hazard/risk assessment of the area, response strategies (changes based on new technologies or equipment, etc), and/or dispersants approval. Major revisions will be based on Commandant or District mandated revisions or modifications which would substantially impact the format or content of the Plan. Any changes to the plan must be noted on the record of changes page. All changes will be submitted to Commander, Fifth Coast Guard District for approval. Once changes are approved, an instruction for a page change will be issued by MSO Wilmington to plan holders.

## **1400 National Response System**

The National Response System (NRS) was developed to coordinate all government agencies, with responsibility for environmental protection, in a focused response strategy for the immediate and effective clean up of an oil or hazardous substance discharge. The NRS is designed to support the FOSC and facilitate responses to a discharge or threatened discharge of oil or a hazardous substance. The NRS is used for all spills, including a Spill of National Significance (SONS). When appropriate, the NRS is designed to incorporate a unified command and control support mechanism. (See Figure 1 - National Response System)

**Figure 1 - National Response System**



**\*Note:** 300.xxx citations are referring to sections of the National Contingency Plan 40 CFR 300.

## **1410 National Response Policy**

Section 4201 of OPA 90 amended Subsection (c) of Section 311 of the FWPCA, to require the FOSC to:

“In accordance with the National Contingency Plan and any appropriate Area Contingency Plan, ensure effective and immediate removal of a discharge, and mitigation or prevention of a substantial threat of a discharge, of oil or a hazardous substance into or on the navigable waters; on the adjoining shorelines to the navigable waters; into or on the waters of the exclusive economic zone; or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States. In carrying out these functions, the FOSC may: remove or arrange for the removal of a discharge, and mitigate or prevent a substantial threat of a discharge, at any time; direct or monitor all Federal, State, and private actions to remove a discharge; and recommend to the Commandant that a vessel discharging or threatening to discharge, be removed and, if necessary, destroyed. If the discharge or substantial threat of discharge of oil or hazardous substance is of such size or character as to be a substantial threat to the public health or welfare of the United States, (including but not limited to fish, shellfish, wildlife, other natural resources, and the public and private beaches and shorelines of the United States), the FOSC shall direct all federal, state, and private actions to remove the discharge or to mitigate or prevent the threat of the discharge.”

## **1420 National Response Structure**

The NRS is a three tiered response and preparedness mechanism that supports the pre-designated FOSC in coordinating national, regional, local government agencies, industry, and the responsible party during response operations. The FOSC plans and coordinates response strategies on scene, using the support of the National Response Team (NRT), Regional Response Team (RRT), Area Committee participants or members, and responsible parties to supply trained personnel, equipment, and scientific support to complete an immediate and effective response to any oil or hazardous substance discharge.

### **1420.1 SONS**

A Spill of National Significance (SONS) is that rare, catastrophic spill event which captures the nation's attention due to its actual damage or significant potential for adverse environmental impact. A SONS is defined as a spill, which greatly exceeds the response capability at the local and regional levels, and due to its size, location, and actual or potential for adverse impact on the environment requires extraordinary coordination of federal, state, local and private resources to contain and clean up. Only the Commandant of the Coast Guard or the Administrator of the EPA can declare a SONS. Once the Commandant declares a SONS, an FOSC and Regional Incident Commander (RIC) will be designated, a Regional Incident Command or National Incident Command (NIC) will be established with all pre-designated ICS Command staff personnel on immediate alert and all other affected departments and agencies will be notified.

#### **1430 National Response Team (NRT)**

The NRT's membership consists of 15 federal agencies with responsibilities, interests and expertise in various aspects of emergency response to pollution incidents. The EPA serves as chairman and the Coast Guard serves as vice-chairman of the NRT, except when activated for a specific incident. The NRT is primarily a national planning, policy and coordination body and does not respond directly to incidents. The NRT provides policy guidance prior to an incident and assistance, as requested by an FOSC via a Regional Response Team (RRT), during an incident. NRT assistance usually takes the form of technical advice, access to additional resources/equipment, or coordination with other RRTs.

National Response Team Members are as follows:

- Environmental Protection Agency-Chair
- U.S. Coast Guard Vice-Chair
- Department of Agriculture (DOA)
- Department of Commerce (DOC)
- Department of Defense (DOD)
- Department of Energy (DOE)
- Department of Health and Human Services (HHS)
- Department of Interior (DOI)
- Department of Justice (DOJ)
- Department of Labor (DOL)
- Department of State (DOS)
- Department of Transportation (DOT)
- Federal Emergency Management Agency (FEMA)
- General Services Administration (GSA)
- National Response Center (NRC)
- Nuclear Regulatory Commission (NRC)
- Regional Response Team (RRT)



#### **1440 Regional Response Team (RRT)**

There are 13 RRTs, one for each of the ten federal regions and Alaska, the Caribbean and the Pacific Basin. Each RRT has Federal and State representation. The EPA chair and the Coast Guard co-chair do not respond directly to incidents; they oversee RRT's development of Regional Contingency Plans for their regions. These plans address regional specific issues and provide guidance to the OSCs for developing their area plans. The RRTs also provide one level of review for the Area Contingency Plans. The RRTs may be activated for specific incidents when requested by the FOSC. If the assistance requested by an OSC exceeds an RRT's capability, the RRT may request assistance from the NRT. During an incident, the RRT may either be alerted by telephone or convened. The cognizant RRT will also be consulted by the FOSC on the approval/disapproval of the use of chemical countermeasures when that decision has not been pre-approved. In instances where a possible public health emergency exists, the FOSC should notify the Health and Human Services (HHS) representative to the RRT. Throughout response actions, the FOSC may call upon the HHS representative for assistance in determining public health threats and call upon the Occupational Safety and Health Administration (OSHA) and HHS for advice on worker health and safety problems. The FOSC shall submit pollution reports to the RRT, and other appropriate agencies as significant developments occur during response actions, through communications networks or procedures agreed to by the RRT and covered in the RCP.

#### **1450 Area Response Structure**

The establishment of an ICS Regional Incident Command (RIC) can occur with the District Commander filling the role of RIC. This organization would be particularly useful for incidents which are challenging to the local commanders but do not demand national attention. At this level most billets would be drawn from District level resources, District Response Groups, and aimed at reducing the overhead to be managed by the Incident Commander. Further, Incident Management Assist Teams can be called upon to augment the Incident Commander's staff. This ability to project a flexible response facilitates an expanding or contracting response effort, drawing upon one of the strengths of ICS.

The purpose of the RIC organization is to oversee the overall management of the incident(s), focusing primarily on strategic assistance and direction and resolving competition for critical response resources. The RIC will have overall responsibility for the incident strategic management. The Incident Commanders (FOSCs), will be notified of the establishment of a Regional Command with the best qualified personnel with respect to their functional areas. The functions of a Regional Command require personnel that have experience in, and are qualified to oversee, complex response situations. The RIC organization operates under the same basic principles as does the Incident Command System with the organization typically consisting of the Incident Commander and Incident Command Logistics Chief, Planning Chief, Resources Unit Leader, Situation Unit Leader, Information Officer and Liaison Officer. Flexibility exists to add a Finance Chief and/or a Chief of Staff.

## **1460 Incident Command System**

To standardize response management within the marine safety field, the Coast Guard has adopted the National Interagency Incident Management System (NIIMS) based Incident Command System (ICS). While Vessel Response Plans (VRPs) and Facility Response Plans (FRPs) are required to have a management system compatible with the Area Contingency Plan, there is no requirement for VRPs and FRPs to follow strict ICS. Where appropriate, the FOSC shall establish a unified command consisting of the FOSC, the State Incident Commander, and the Responsible Party Incident Manager. The FOSC is responsible for assigning individuals from within the response community (Federal, State, local or private), as necessary, to fill the designated positions. It should be noted, however, that one individual may fill several of the designated positions. These assignments will be predicated on the nature of the spill and the need for extensive manning. A major advantage of the ICS organization is the ability to expand and contract organizationally as required by the incident. For some incidents only a few of the organization's functional elements may be required. For larger or more complicated responses, additional positions exist within the ICS framework to meet virtually any need.

The ICS organization is built around five major functions that are applied on any incident, large or small. These functions are the Incident Command, and the Operations, Planning, Logistics and Finance Sections. These functions are detailed in Sections 2000-6000 of this plan. These sections will provide generic descriptions and apply directly to the MSO Wilmington COTP area of responsibility. See Figure 2 - Standard Incident Command System.

Incident Command System forms and job aids can be obtained on the world wide web at <http://www.uscg.mil/hq/g-m/nmc/response/index.htm>

## Standard Incident Command System

Fig. 1000-B

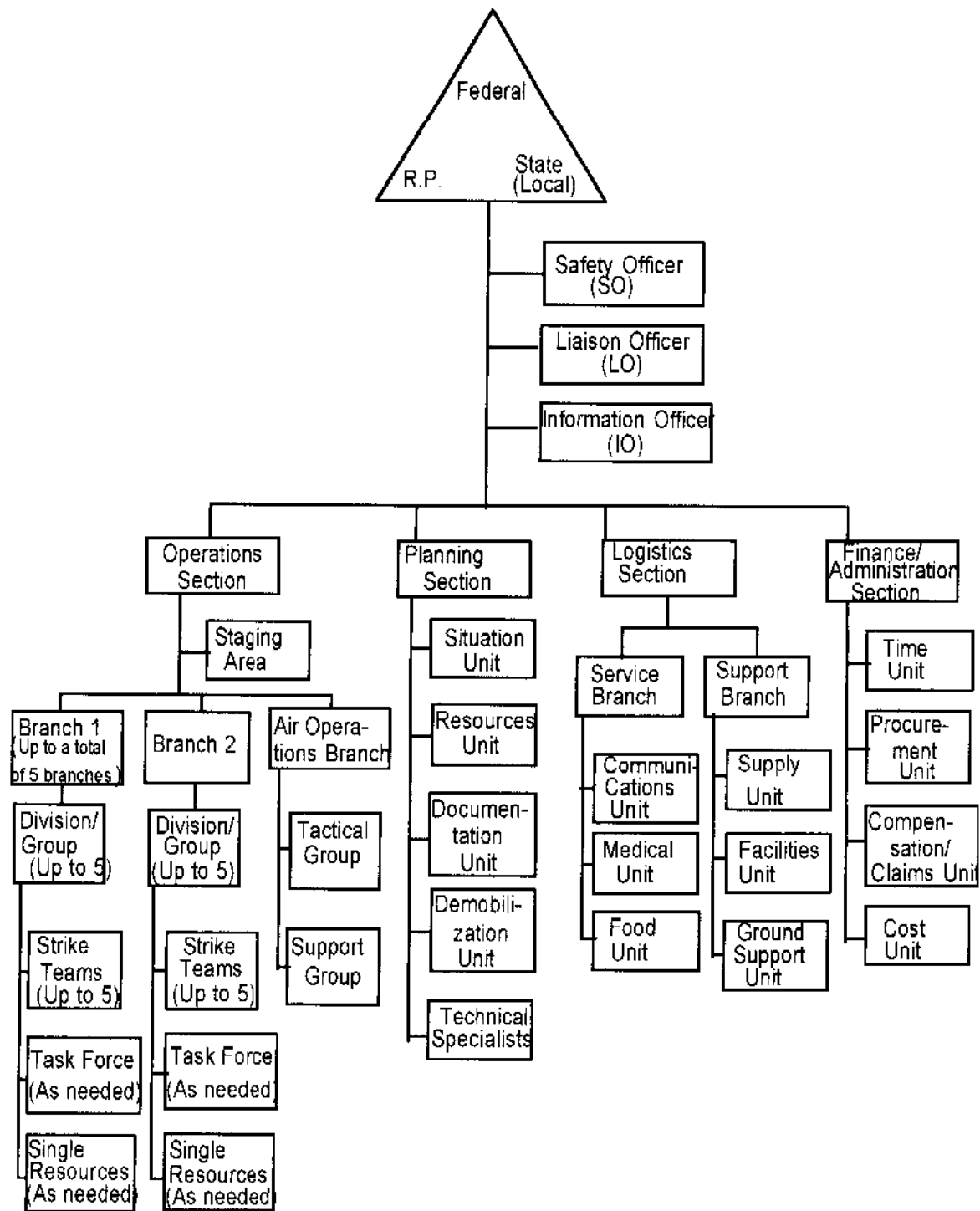


Figure 2 - Standard Incident Command System

#### **1470 Area Exercise Mechanism**

The opportunity to exercise this plan and components of this plan presents itself via the National Preparedness for Response Exercise Program (NPREP or PREP). The final PREP guidelines booklet was published in August 1994 and is available at no charge by writing to:

TASC Dept Warehouse  
3341 Q 75<sup>th</sup> Ave  
Landover, MD 20785.  
Publication number USCG-X0191

Additional PREP information can be found at the following web site:  
<http://www.uscg.mil/hq/g-m/nmc/response/index.htm#PREP>

Although the PREP guidelines also apply to vessel and facility plan holders, this section specifically discusses the PREP requirements for the Planning Areas as designated in section [1400\\_National Response System](#) of this plan. The Area exercises are divided into internal and external classification categories. The internal exercises are Notification Drills (quarterly), Spill Management Team Tabletop Exercises (annually), Equipment Deployment Exercises (annually), and Government Initiated Unannounced Exercises (maximum of 4 per area per year). The external exercises are Government-led exercises and Industry-led exercises.

The Federal On-scene Coordinator (FOSC) is responsible for planning, designing, and executing the internal exercises. The National Strike Force Coordination Center (NSFCC) is responsible for scheduling the external exercises and the appropriate FOSC remains involved in the planning, design, and execution of the Government-led exercises. The FOSC will consult in exercise development and will participate as appropriate in the Industry-led exercises. Members of the Area Committee and response community will be involved in each type of exercise to some degree, varying from the confirmation of a phone number to assisting in the design of a scenario and performing as a controller or evaluator of the exercise. Participation in the PREP and utilization of the PREP guidance will ensure that all federal exercise requirements mandated by OPA 90 have been met. As part of their normal operations, representatives of the Captain of the Port will be verifying that vessel and facility plan holders are conducting and recording required exercises.

## **1480 Federal Response Plan**

In April of 1999 the Federal Emergency Management Agency (FEMA) issued an updated version of the Federal Response Plan for mobilizing and deploying federal resources for people and communities overwhelmed by natural disasters and manmade emergencies. The Federal Response Plan serves as the principal organizational guide for defining the roles and responsibilities of the 26 federal member agencies and the American Red Cross that are engaged to deliver a broad range of emergency aid during a major crisis. The revised plan incorporates 11 changes and other modifications that resulted from the lessons learned and the experiences of the federal partners since it was first employed during Hurricane Andrew in 1992. Among the key revisions is the addition of a new evolving Recovery Function Annex, which begins the integration of recovery and mitigation functions into the plan's response structure. The updated plan also includes four new support function annexes covering Community Relations, Donations Management, Logistics Management, and Occupational Health and Safety.

The revised plan reinforces the use of Incident Command System principles, mentions the importance of private sector partnerships, and describes several new response resources, coordinating mechanisms and management tools. The full text of the revised plan is currently available on FEMA's website on the World Wide Web at <http://www.fema.gov/r-n-r/frp/>. Printed copies can be ordered free of charge, as they become available from FEMA's Publications Office at 1-800-480-2520.

## **1490 Federal Radiological Response Plan**

See the Federal Radiological Response Plan published under separate cover.

## **1500 State and Local Response System**

### **1510 State Response System/Policy**

North Carolina General Statute 166-A and Executive Order 73 state that in North Carolina, the Secretary of the Department of Crime Control and Public Safety under the direction of the Governor is responsible for emergency/disaster operations. The Secretary oversees the State Warning Point, which is managed by the North Carolina Highway Patrol. The Secretary also has responsibility over the State's emergency operations center, which is managed by the Division of Emergency Management.

When the Governor or the Secretary deem it necessary to activate the State Emergency Operations Center (EOC), the facility is staffed by members of the State Emergency Response Team (SERT). The SERT is comprised of high ranking officials from various state agencies needed to mount a proper response to any type of emergency or disaster. All State agencies may serve as SERT members and may be tasked with emergency/disaster missions.

Upon activation, the State EOC is managed by the North Carolina Department of Crime Control and Public Safety/Division of Emergency Management (EM). The Director of the EM is given the responsibility of managing the EOC. He utilizes his management staff consisting of an Assistant Director of Operations, Chief of Field Services, and Operations Branch Chief to direct the activities of other staff members, and to coordinate the actions of the participating state agencies. This system can be activated anytime day or night, weekends or holidays. All essential personnel are on call and carry telephone activated pagers.

The State Emergency Operations Center may be reached by calling 1-800-858-0368 or (919) 733-3942. The State Emergency Operations Center is staffed 24 hours a day, seven days a week.

The State EOC is located in Raleigh at 116 West Jones St. It is equipped with communications systems linking it with county EOCs throughout North Carolina. Response resources and other critical information is stored on computer, and the capability exists to project any of that information on large viewing screens. The following resources are also available through the EOC:

- Up-to-date current and forecast weather information
- Access to statewide warning systems (Emergency Broadcasting System)
- Telephone and facsimile equipment

In the event of an emergency/disaster occurring in North Carolina, frequent public information statements would be made from the State EOC. Public affairs personnel from the Department of Crime Control and Public Safety would take responsibility for coordinating media briefings.

Another vital link in the North Carolina emergency response system is the existence of the Division of Emergency Management Field or Area Offices. The three branch managers and 15 area coordinators are trained equipped with state-of-the-art equipment to rapidly respond to the scene of an emergency to coordinate the delivery of state assistance. The resources of the state can be available within a matter of minutes to assist local governments. The division has undergone a major reorganization. The most extensive change has been in the realignment of the Area offices. The former Area A and C offices have been combined into an Eastern Branch office. Areas B and D have been combined into a Central Branch and Areas E and F combined into a Western Branch. The state has been divided into 15 areas; each branch is responsible for 5 areas. Each branch has a manager who has overall responsibility for the personnel within the branch. Each area has been assigned a coordinator who will work directly with the counties within his or her area. The Eastern Branch is currently within MSO Wilmington and MSO Hampton Roads' Area of Response.

**Eastern Branch**

2952 Rouse Road Extension  
Suite D  
Kinston, NC 28504  
(252) 520-4923

**Area 1-** Counties: Bertie, Chowan, Currituck, Dare, Gates, Hertford, Perquimans

**Area 2-** Counties: Beaufort, Camden, Hyde, Martin, Pasquotank, Pitt, Tyrrell, Washington

**Area 3-** Counties: Carteret, Craven, Greene, Lenoir, Pamlico, Wayne

**Area 4-** Counties: Cumberland, Duplin, Jones, Onslow, Pender, Sampson

**Area 5-** Counties: Bladen, Brunswick, Columbus, Hoke, New Hanover, Robeson

For more information and a map of the NCEM areas go to <http://www.ncem.org/em-areas.PDF>

Radio capabilities include: access to the State's Emergency Management network, amateur radio, U. S. Coast Guard marine frequencies, and access to the North Carolina Highway Patrol radio network.

NCEM may receive initial notification or warning of a disaster from multiple sources, including local emergency management agencies or county warning points, the National Weather Service, the State Highway Patrol Warning Point, and the National Hurricane Center.

The State EOC, Communications Officer on duty, will notify key NCEM and DCCPS officials, SERT agencies, and the local emergency management agency or county warning point in accordance with standing operation guidelines. The Communications Officer will notify FEMA (Region IV) and other agencies as appropriate for the situation.

Upon notification by the EOC, each SERT agency is responsible for conducting its own internal notifications.

The SERT may be called to assemble at the State EOC for an initial briefing and discussion of response requirements.

The initial response to a hazardous materials emergency will be at the local level. Should the incident be beyond the capabilities of that jurisdiction, requests for assistance will be made in accordance with local mutual aid agreements or requests to the State through the State EOC. Upon occurrence of a disaster or when the potential exists, Emergency Management Operations will notify primary and support hazardous materials agencies by telephone or pager and advise what actions are required.

In the event of a substantial discharge/release, the Area Coordinator will serve as the State's liaison with federal responding agencies. The Coordinator has the authority to access the necessary resources through the state EOC, and have those State resources delivered to the scene. Each area coordinator is equipped with communications capabilities to contact the State EOC with or without commercial telephone. North Carolina has a statewide low band VHF radio system, that is monitored by the State EOC. The Eastern Branch has an operating frequency of 47.460 MHz. The State also has a well organized group of volunteer amateur radio operators who could be called upon to support field communications.

**\*\*Information on specific North Carolina State agency oil spill responsibilities is outlined in the North Carolina Oil Spill Contingency Plan.**



The waters of the State comprise an essential resource for human existence as well as for marine, aquatic, and wildlife. Oil spills and releases of hazardous substances can pose significant threats to human life and health, other organisms and to the economy of the State. Although the Federal government has primary legal jurisdiction for response under the Federal environmental laws, the State of North Carolina also has substantial interest in protecting the waters of the State because of their economic, aesthetic and life-supporting qualities. Accidents or emergencies involving oil or hazardous substances can occur anywhere within the State as well as within the near and offshore waters of the State.

North Carolina has an affirmative legal responsibility to protect the State's natural resources. The State has legal jurisdiction over activities within the waters lying three miles off the State's coast, and substantial interest in those activities beyond three miles that could affect the State's coastal waters and land areas. Under the authority of the Federal Coastal Zone Management Act of 1972, as amended, the State views activities requiring Federal permits to assure consistency with State coastal management policies.

North Carolina is located adjacent to major shipping lanes in the Atlantic Ocean serving as corridors for approximately 70% of the oceangoing oil and petroleum products on the east coast of the United States. There will be increased risk to the State's natural environment caused by natural gas and oil exploration on the outer continental shelf. These risks will substantially escalate if production wells are drilled.

Because oil and petroleum products are used through the State, a significant risk exists for transportation accidents as well as for spill at fixed sites. Past experience has shown that oil spills can have effects that range from the highly localized to those which involve hundreds of miles of coastal area. North Carolina has highly sensitive areas and species of organisms that could be adversely affected by a major oil spill.

The State of North Carolina will consider the Federal authorities and/or the party responsible for the release/discharge as the first tier of response to an accidental release/discharge. However, for an accidental release/discharge in which the party responsible is unable or unwilling to respond effectively, and the Federal government does not have authority to coordinate the response or cannot respond in a timely manner, the North Carolina Division of Environmental Management will, upon the determination that funding is available, coordinate with the Federal On-Scene Coordinator and commit resources consistent with approved response strategies and priorities.

Emergency Management, which operates a 24 hour, 7 days per week schedule, is the central notification point for the State in the event of an oil spill emergency and will alert appropriate State and local agencies.

The North Carolina State Oil Spill Plan integrates oil spill emergency response by North Carolina State and local government agencies into the framework established by the National Contingency Plan. North Carolina's Oil Spill Plan is referenced in the North Carolina Emergency Operations Plan (NCEOP). <http://www.ncem.org/>

Leadership for spill responses rests with the State Director of Emergency Management who as the State Emergency Response Team (SERT) Leader has access to all resources of the State government during an emergency.

**The following response policy will be used by North Carolina State agencies:**

1. A multi-organizational oil spill response network including Federal, State, and local governments, the responsible party, oil spill response contractors and cooperatives, and volunteer groups shall be deployed when oil poses a threat to public health and environmental welfare.
2. The USCG and/or the Environmental Protection Agency shall be given immediate notice of any oil or hazardous substances releases/discharges or potential releases/discharges. This notification shall be made to the National Response Center (NRC) at 800-424-8802.
3. When the responsible party, the USCG, or the Federal EPA responds to an accidental discharge/release within or potentially affecting the waters of North Carolina, the State will assume a position of support to this response. In this capacity, State agencies and other involved organizations will, through the Division of Emergency Management, prepare to undertake and/or will undertake actions as described in the North Carolina Oil Spill Contingency Plan.
4. State agencies will consider Federal authorities and/or Responsible Party personnel as the first tier of response. For discharges/releases where the Responsible Party is unable or unwilling to respond, or is unknown, and the Federal government cannot respond in a timely manner, the North Carolina Department of Environmental and Natural Resources (DENR) will coordinate response with funding available through the Federal On-Scene Coordinator. DENR shall notify Emergency Management immediately of all potential or actual discharges/releases. Emergency Management will notify the NRC.
5. The State will provide coordination of all measures taken on land with respect to public safety and protection.
6. Priorities for use of State resources in responses are as follows:
  - a) Protection of health and safety of the general public.
  - b) Protection of emergency worker safety.
  - c) Protection of environmental, cultural, and archaeological resources.
  - d) Protection of business and commerce.
7. Emergency Management Area Coordinators shall provide guidance to local governments and volunteer groups engaged in response activities.
8. The State will institute appropriate actions to recover from the responsible party compensation for the damages done to the State's natural resources and for the economic losses suffered by the State and its citizens.

9. Emergency Management Area Coordinators will direct local government response to actual or potential discharges in their respective areas. The nature and extent of the situation will dictate the extent of local government involvement.

#### **1520 Local Response System/Policy**

Each county in North Carolina is responsible for emergency management in its jurisdictional boundaries and will conduct emergency operations according to established plans and procedures. Should a disaster or emergency be beyond the capabilities of local government, requests for State and/or Federal assistance will be made through the appropriate NCEM Branch Office to the State EOC. Each county designates a location for the County EOC. The county EOCs are staffed with elected officials and senior representatives of county departments and county level volunteer organizations who will receive emergency information, coordinate tasking of resources, and make population protection decisions. The county EOCs will be activated and staffed as appropriate to the severity of the situation.

**1600 National Policy and Doctrine** - To be provided by HQ and District.

**1610 Public vs. Private Resource Utilization**

**1620 Best Response Concept**

Planning for a spill emergency requires the creation of an response organization with strengths that include the ability to quickly and efficiently accomplish a large number of tasks. Although tasks can be categorized in different ways, the Best Response model categorizes tasks into five Key Business Drivers (KBDs). The Best Response Model then identifies a number of Critical Success Factors (CSF) that must be accomplished for each of the Key Business Drivers to accomplish the spill response goal which is to minimize the consequences.

| Key Business Drivers (KBD)       | Critical Success Factors (CSF)                    |
|----------------------------------|---|
| Human Health and Safety          | No spill related public injuries, illness, death. |
|                                  | No response worker injuries, illness, death       |
| The Natural Environment          | Source Discharge Minimized                        |
|                                  | Spill Effectively Contained/Controlled            |
|                                  | Sensitive Areas Protected                         |
|                                  | Resource Damage Minimized                         |
| The Economy                      | Economic Impact Minimized                         |
| Public Communication             | Accurate Timely Information                       |
|                                  | Positive Media Coverage of Response               |
|                                  | Positive Public Perception                        |
| Stakeholder Support and Services | Minimize Impact to Stakeholders                   |
|                                  | Stakeholders Well Informed                        |
|                                  | Positive Meetings with Stakeholders               |
|                                  | Prompt Handling of Damage Claims                  |

### **The Preparedness Planning Focus:**

All Area Contingency Plans should contain predetermined objectives that are designed to achieve each of the Critical Success Factors. For each objective of each Critical Success Factor the planning process should identify the organization, response resources, resource mobilization issues, and the objectives needed to achieve success.

### **Preparedness Measurements**

The planning effort in support of the On Scene Coordinator can be measured. Has the Area Contingency Plan identified a response organization that has resources, the capacity to mobilize the resources, and a clear set of objectives that will achieve a best response for each Critical Success Factor? The first step in preparedness is to score the Area Contingency Plan on its ability to provide support to the OSC in each Critical Success Factor.

#### **1630 Cleanup Assessment Protocol (How Clean is Clean)**

#### **1640 Dispersant Pre-Approval/Monitoring/Decision Protocol**

[See 3000 Operations Section - Dispersant](#)

#### **1650 In-Situ Burn Approval/Monitoring/Decision Protocol**

A checklist for In-Situ Burning Decisions can be found at [In-Situ Burning Protocols\checklist](#)

#### **1660 Fish and Wildlife Acts Compliance**

Links:

[Endangered Species Act](#)

[Fish and Wildlife Coordination Act](#)

[Migratory Birds Act](#)

[Marine Mammal Protection Act](#)

[National Environmental Policy Act](#)

#### **1670 Protection of Historic Properties (including federally-recognized Indian tribes)**

##### **1670.1 State Historic Preservation Office**

Certain archeological and historic sites exist with the COTP Wilmington zone. To obtain with assistance in identifying and protecting cultural resources, contact the State Historic Preservation Office at (919) 733-4763. Web Page for the SHPO office is <http://www.hpo.dcr.state.nc.us/>. Other contact information can be found at <http://www.arch.dcr.state.nc.us/fosa.htm>.

##### **1670.2 Federally-recognized Indian Tribes**

Eastern Band of the Cherokee Indians

The Eastern Band of the Cherokee Indians is the only Native American tribe recognized by both the Federal and North Carolina State governments. In the event of an incident, contact the Principal Chief of the Tribe at (704) 497-2771; fax (704) 497-2952, or on their Web page at [www.cherokee-nc.com](http://www.cherokee-nc.com).

**1670.3 Federally – Non-Recognized Indian Tribes**

Person Co. Indians

Cherokees of Hoke County

Meherrin Indian Tribe (state recognized)

Haliwa Saponi Indian Tribe (state recognized)

Hattadare Indian Tribe

Kaweah Indian Nation, Inc.

Faircloth Indian Tribe Cherokees of Robison & Adjoining Counties

Coharie Intra- Tribal Council (state recognized)

Waccamaw Siouan Tribe (state recognized)

Hatteras Tuscarora

Tuscarora Nation of North Carolina

[Lumbee Tribe \(state recognized\)](#)

**1680 Alternative Response Technical Evaluation System (ARTES)**

**1690 Specialized Monitoring of Advanced Response Technology (SMART)**

Information concerning use of the S.M.A.R.T. guidance is found at [SMART\2000.pdf](#).

**1700 Reserved for Area/District**

**1800 Reserved for Area/District**

**1900 Reserved for Area/District**